

the whole operations of the Convention can do so, although a proposition may receive the votes of 48 out of the 50 members present. It rests in the power of two men therefore to prevent the passage of an article, if the attendance is not over 50.

With the average attendance we have had here since the Convention met, it will be impossible to pass any section to any article that may be presented here, if the majority of the House disagree among themselves in their views upon it. The only things that will be passed, will be those things upon which members are divided strictly by a party vote. The last Constitution was formed by a majority not of the members elected to the Convention, but of the members present. Most of the provisions were passed in that Convention by a minority of the members elected to it. Yet it has been reserved to gentlemen of this Convention to bring that up as a reason and an argument why the Constitution so formed will not be accepted by the people, and cannot command their vote. Was not the last Constitution founded upon exactly the same rule which I propose that we shall adopt? Yet that Constitution was accepted by the people, although it was then alleged that the action of the Convention was invalid, and that they had violated the spirit of their duties by passing it without a majority vote. Why then is it to be claimed here that our actions will not be valid, and will not command the respect of the people if the majority of the members elected do not vote for every provision of it?

If the members elected are not here to vote upon the provisions of the Constitution, it strikes me that it is the fault of the members who do not come. I think the question resolves itself into the very plain question whether the members of this body desire to do the work they were sent here to do, or do not desire to do it. If they desire to do the work, they will take what is the clearly recognized rule of all deliberative bodies that a majority of a quorum shall decide all questions that are before the body. I have hardly ever heard of the application to any other rule, except in the Legislature of Maryland, and that is because the action of the Legislature is final; because it passes laws affecting particular individuals; and because there is no appeal. Our acts are not final; they do not relate to particular individuals, but to the formation of the organic law, and the people are to decide upon them at the polls.

Are we to stay here then until we can control a full attendance of members, so as to secure to every proposition 49 votes? The law that called us together, designated 65 as the number capable of performing all the work required of this Convention. Yet we are required to bind ourselves that 49 out of 65 shall be required to pass any part of the organic law. It seems absurd to gentlemen that under the possibility of an attendance of only

50, 26 should decide; but the same discerning mind that has taken in and comprehended the absurdity of that proposition has not apparently comprehended the absurdity of requiring that upon an average attendance of this House 24 members, or upon an attendance of 50, two members can stop the legislation of the body. Now if there is anything in the argument that 24 members of this Convention have more reason to control its legislation than 26 members, going upon the principle that the lower the number the calmer the deliberation, and that two is the fitting number to prevent any legislation at all, if that is the idea of members, or if they do not want to do the work before the Convention, then by all means let us set them the example of the majority of this House tying its own hands, and proclaiming that a majority of the members present at any meeting of this Convention are not capable of deciding a proposition put before them, and finally reduce ourselves to the necessity of changing this rule when we come to deal with a question that may excite a great deal of discussion, or else come to a dead lock.

In reference to the remarks of my friend from Prince George's (Mr. Berry) that these propositions are brought up here day after day, and the time of the House consumed, I will remind him that day after day means more than once. This day upon which we are considering this amendment, is only the second. Upon the first day that the question came up, on my first notice, no action was taken; but I amended my proposition, and under the ruling of the chair, it went over to the next day. My sole object in bringing up the question a second time to-day, is that from the nearness of the vote yesterday, I was convinced that when members came to reflect, some of them would change their minds, and I thought that other members who might be disposed to change the rule to make it conform to the practice of deliberative bodies, might be here. I will ask that the vote be taken to-day, and I will consider that vote decisive. If it is the will of the majority of the members to make this rule an absolute one, I have no objection; but I must honestly and sincerely tell them that they are so binding themselves, and so far departing from the principle which generally governs legislation that they may possibly regret it.

Mr. STIRLING. I have but a few words to say. If members of the Convention will look at the Journal of yesterday, they will find a practical exemplification of the working of the rules of the Convention as it at present stands.

Mr. MILLER. On what page?

Mr. STIRLING. *Passim*. We had yesterday a very large attendance of this body. We have a large attendance this morning. The attendance yesterday consisted of 83 members. If gentlemen will look at this Journal, they